

### **Remarks**

#### **Claims:**

Claims 1, 3-12, and 14-21 remain pending in the application.

#### **Art-Based Rejections:**

Claims 1, 3-12, and 14-21 are rejected as being anticipated by U.S. Patent No. 5,412,727 (Drexler).

We respectfully traverse these rejections.

##### *Claim 1*

It is well settled that in order for an Examiner to establish a *prima facie* case of anticipation, each and every element of the claimed invention, arranged as required by the claim, must be found in a single prior art reference, either expressly or under the principles of inherency. See generally, *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997); *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677-78 (Fed. Cir. 1988); and *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

Drexler does not anticipate claim 1 because it does not include – either expressly or inherently – at least employing the authentication information reader to recover the *embedded* first authentication information. Recall that a digital representation of an object includes the *embedded* first authentication information.

The Office Action cites to Col. 5, lines 4-14 for these features. This text is reproduced below for the Examiner's convenience:

*Verification terminal 26 also has a means for comparing the biometric template read from permanent storage medium 23 with the biometric information that the verification terminal 26 has acquired from the person 15. This means for comparing biometric information will typically include a microprocessor, not shown in this figure. If the biometric information from the card 18 matches that from the person 15, the identity of the person 15 has been verified, and the verification terminal 26 writes*

*authorization data on a temporary storage medium 30 of the card 18, as indicated by arrow U.*

We do not understand this passage to have – either expressly or inherently – at least employing an authentication information reader to recover *embedded* first authentication information.

Thus, Drexler fails to anticipate claim 1.

#### *Claim 11*

Drexler does not have each and every element of claim 11, arranged as required by the claim, either expressly or under the principles of inherency.

For example, Claim 11 recites that the embedded first authentication information is a *cryptographic hash embedded as a watermark in a graphic on or in the analog form*.

None of the cited Drexler passages (i.e., Col. 2, line 52-5, Col. 2, lines 58-65, Col. 5, lines 4-14, Col. 7, lines 12-20 and Fig. 3, item 74) are understood to have these features.

Claim 11 should be allowed.

#### *Claims 18 and 20*

Claims 18 and 20 should be allowed for reasons that are analogous to those discussed above with respect to claim 1.

#### *Claims 3 and 15*

Claim 3 recites – in combination with other features – a key is stored in a storage system and associated with a reference code; and a processor further employs the reference code to retrieve the key; and an authentication information reader uses the key to read the first authentication information.

We see no discussion of these features in the Office Action. See the Office Action, the paragraph spanning pages 2 and 3.

Moreover, Drexler is not understood to have each and every one of these elements, arranged as required by the claim, either expressly or under the principles of inherency.

(Indeed, the only mention we see of a “key” is in the context of keyboard 46.)

Claim 15 recites a verification system employing a reference code to locate a key that is required to read the first authentication information.

Again, we see no discussion of these features in the Office Action. See the Office Action, the paragraph spanning pages 2 and 3.

And Drexler is not understood to have each and every one of these elements, arranged as required by the claim, either expressly or under the principles of inherency.

Thus, the Office Action fails to establish a *prima facie* case of anticipation.

Claims 3 and 15 stand ready for allowance over Drexler.

#### *Claims 14 and 17*

Claims 14 and 17 are amended without prejudice to recite “steganographically embedded” first authentication information, variously in combination with many other features. The term “steganography” implies hidden information or imperceptibility.

While Drexler may place biometric information “indelibly” (e.g., permanently or in a manner that is difficult to remove) on a card (see Fig. 3, item 75), Drexler is not understood to do so in a steganographically embedded manner.

These claims stand ready for allowance over Drexler.

#### *Remaining claims*

Favorable reconsideration of the remaining claims is respectfully requested.

#### **Conclusion:**

The Examiner is invited to contact the undersigned with any questions.

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Respectfully submitted,

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